This application has been reviewed in light of the Office Action dated January 19, 2006. Claims 1-7, 14-16, and 19-22 are presented for examination. Claims 1, 5, 14-16, 19, and 21, which are the independent claims, have been amended to define more clearly what Applicants regard as their invention. Support for the amendments to the claims can be found in the Specification at paragraph 40, which states that "the system may be configured to allow the user to change the pre-selected authentication method without accessing the restricted service." Favorable reconsideration is requested.

Claims 1-7, 14-16, and 19-24 were rejected under 35 U.S.C. § 112, first paragraph, as lacking support in the specification. While Applicants do not concede the propriety of this rejection, the independent claims have been amended to remove the limitation that allegedly lacks support, to eliminate this as an issue.

Claims 2, 6, 20, and 22 were rejected under 35 U.S.C. § 112, first paragraph, as lacking support in the specification. Specifically, the Examiner stated that the recitation "handheld computing device and digital certificate" lacks support in the specification. Applicants bring to the Examiner's attention paragraph 26 of the Specification. That paragraph recites examples of other authentication methods which include, among others, palm pilot and digital certificate. One skilled in the art would understand and recognize that the terms "palm pilot" denotes a brand of handheld computing device.

In addition, Applicants note that the Examiner "has the initial burden of presenting <u>evidence or reasons</u> why persons skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims." M.P.E.P. § 2163.04 (citing *In re Wertheim*, 541 F.2d 257, 265, 191 USPQ 90, 98 (CCPA 1976))

(emphasis added). However, the Examiner has provided no evidence or reasons why one skilled in the art would not recognize in the disclosure of using a "palm pilot", that a handheld computing device is being referred to. Instead, the Examiner merely made the conclusory assertion that the "Specification revealed no support for this authentication method." (Office Action, January 19, 2006, page 3, lines 10-17). Accordingly, Applicants respectfully submit that the initial burden required to make this rejection has not even been met and therefore request that the Examiner provide evidence or reasoning to support this rejection if it is maintained.

The failure to meet the Examiner's initial burden notwithstanding, Applicants note that the M.P.E.P. provides the following guidance for determining whether a claim meets the written description requirement of Section 112, first paragraph:

> An objective standard for determining compliance with the written description requirement is, "does the description clearly allow persons of ordinary skill in the art to recognize that he or she invented what is claimed.". . .Whenever the issue arises, the fundamental factual inquiry is whether a claim defines an invention that is clearly conveyed to those skilled in the art at the time the application was filed. The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement.

M.P.E.P. § 2163.02 (quoting *In re Gosteli*, 872 F.2d 1008, 1012, 10 USPQ2d 1614, 1618 (Fed. Cir. 1989) (emphasis added)).

In the present case, as mentioned above, paragraph 26 of the Specification recites examples of other authentication methods which include palm pilot and digital certificate. As the above excerpt from the M.P.E.P. makes clear, the subject matter of the claim need not be described literally using the same terms in the Specification. It is submitted that one skilled in the art would readily recognize that the term "palm pilot" and

"handheld computing device" are analogous. Thus, the description clearly allows persons of ordinary skill in the art to recognize that Applicants have invented what is claimed.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 1-4, 6-7, 14-16, and 19-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,052,468 ("Hillhouse").

Hillhouse relates to a method for re-securing key data files according to different security processes for mobility. For example, to port an encryption key secured using a fingerprint authentication process to a system having only a password authentication process, a user selects password authentication process, provides a fingerprint and is authorized, and provides a new password (abstract). The encryption key is then accessed according to the fingerprint authentication process and re-secured according to the password authentication process (abstract). The password authentication process must then be used to access the data (see col. 6, lines 61-65).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Hillhouse does not teach or suggest a method for accessing a restricted service that includes the step of "presenting the registered method of authentication as the method of authentication for access to the restricted service, wherein the user is enabled to select a different method of authentication for access to the restricted service without accessing the restricted service," as recited in Claim 1.

As discussed above, the method of Hillhouse allows a user to re-secure a key data file by a different authentication method, in which case the newly selected authentication method must be used to gain access to the key data file. However, the method of Hillhouse does not enable the user "to select a different method of authentication for access to the restricted service without accessing the restricted service," as recited in Claim 1. According to the method of Hillhouse, in order to port an encryption key data between systems supporting different user authentication methods (wherein at least a method is common between the systems), a user authentication must occur before the user can select a different authentication method (Hillhouse, col. 6, lines 20-36). Therefore, Hillhouse does not teach or suggest each and every element set forth in Claim1.

Accordingly, it is respectfully submitted that Claim 1 is patentable over Hillhouse.

Independent Claims 14-16, 19, and 21 recite features similar to those discussed above with respect to Claim 1 and therefore are also believed to be patentable over Hillhouse for the reasons discussed above.

Claims 1-2, 5-6, 14-16, and 19-24 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,950,195 ("Stockwell").

Stockwell relates to a system and method for regulating the flow of internetwork connections through a firewall having a network protocol stack, which includes an Internet Protocol (IP) layer. A determination is made of the parameters characteristic of a connection request, including a net-element parameter characteristic of where the connection request came from (col. 3, line 18-24). A query is generated, and a determination is made as to whether there is a rule corresponding to that query. If there is a

rule corresponding to the query, then a determination is made as to whether authentication is required by the rule (col. 3, line 24-30). If authentication is required, a list of allowed authentication methods that a user can choose from is provided (col. 6, line 16-22).

Stockwell does not teach or suggest a method for accessing a restricted service that includes the step of "registering the user-selected method of authentication; presenting the registered method of authentication as the method of authentication for access to the restricted service, wherein the user is enabled to select a different method of authentication for access to the restricted service without accessing the restricted service", as recited in Claim 1. Stockwell does not teach or suggest a method for accessing a restricted service that registers user-selected method authentication. Rather, as discussed above, Stockwell merely provides a list of allowed authentication methods, from which the user can choose, each time the user attempts to gain access (col. 6, line 16-22). Further, because Stockwell does not teach or suggest "registering the user-selected method of authentication", Stockwell cannot reasonably be said to teach or suggest "presenting the registered method of authentication as the method of authentication for access to the restricted service, wherein the user is enabled to select a different method of authentication for access to the restricted service without accessing the restricted service" (emphasis added). Thus, Stockwell does not teach or suggest each and every element as set forth in Claim 1.

Accordingly, it is respectfully submitted that Claim 1 is patentable over Stockwell.

Independent Claims 5, 14-16, 19, and 21 recite features similar to those discussed above with respect to Claim 1 and therefore are also believed to be patentable over Stockwell for the reasons discussed above.

Claims 5-7 were rejected under 35 U.S.C. § 103(a) as being obvious over Hillhouse in view of "Enabling and Configuring Authentication" (available at http://www.freshinvest.com/iis/htm/core/iiauths.htm or http://www.microsoft.com/windows2000/en/server/iis/default.asp?url=/windows2000/en/server/iis/htm/core/iiauths.htm).

"Enabling and Configuring Authentication" is cited as disclosing the selection of an authentication method using a dialog box. However, the combination of Hillhouse and "Enabling and Configuring Authentication" still would not teach or suggest "presenting the registered level of security for authentication as the level of security for authentication for access to the restricted service, wherein the user is enabled to select a different level of security for authentication for access to the restricted service without accessing the restricted service," as recited in Claim 5. Therefore, the combination of Hillhouse and "Enabling and Configuring Authentication", assuming such a combination would even be proper, does not teach or suggest all of the features recited in Claim 5.

Accordingly, it is respectfully submitted that Claims 5-7 are patentable over Hillhouse in view of "Enabling and Configuring Authentication".

Claims 3 and 7 were rejected under 35 U.S.C. § 103(a) as being obvious over Stockwell in view of "Enabling and Configuring Authentication".

Claims 3 and 7 depend from Claim 1, which for the reasons discussed above is believed to be patentable over Stockwell. The combination of Stockwell and "Enabling

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and Configuring Authentication" still would not teach or suggest "registering the user-selected method of authentication; presenting the registered method of authentication as the method of authentication for access to the restricted service, wherein the user is enabled to select a different method of authentication for access to the restricted service without accessing the restricted service," as recited in Claim 1. Consequently, the combination of Stockwell and "Enabling and Configuring Authentication", assuming such a combination would even be proper, does not teach or suggest all the features recited in Claims 3 and 7.

Accordingly, it is respectfully submitted that Claims 3 and 7 are patentable over Stockwell in view of "Enabling and Configuring Authentication".
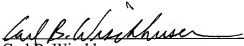
The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

Carl B. Wischhusen
Attorney for Applicants
Registration No. 43,279
(212) 218-2582

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_Main 556281_2